

STANDARD APPLICATION

Harford County
Board of Appeals

Bel Air, Maryland 21014

JUL 9 2004

Case No. 5433Date Filed 07/06/04

Hearing Date _____

Receipt cFee \$450

Shaded Areas For Office Use Only

Type of Application

Nature of Request and Section(s) of Code

_____ Administrative Decision/Interpretation

CASE 5433 MAP 48 TYPE Variance

_____ Special Exception

_____ Use Variance

_____ Change/Extension of Non-Conforming Use

ELECTION DISTRICT 3 LOCATION 690 Brigantine Place, Bel Air, Md. 21014

_____ Minor Area Variance

_____ Area Variance

_____ Variance from Requirements of the Code

Appealed because a variance pursuant to Section 267-36B, Table V of the Harford County Code

_____ Zoning Map/Drafting Correction

to allow a sunroom within the required 35 foot rear yard setback (24 foot proposed) in a R2/COS District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant - - (please print or type)

Name Terry & Miriam BrennanPhone Number 410-638-0548Address 690 Brigantine Pl. Bel Air, MD 21014

Street Number

Street

City

State

Zip Code

Property Owner Same As Applicant.

Phone Number _____

Address _____

Street Number

Street

City

State

Zip Code

Contract Purchaser _____

Phone Number _____

Address _____

Street Number

Street

City

State

Zip Code

Contractor

~~Attorney/Representative~~ Patio Enclosures Inc.Phone Number 410-760-1910Address 224 8th Ave NW Glen Burnie, MD 21061

Street Number

Street

City

State

Zip Code

Land Description

Address and Location of Property 690 Brigantine Pl. Bel Air, MD 21014

Subdivision Brighton Sq. Lot Number 32

Acreage/Lot Size 7.258 Election District 03 Zoning R 2-COS

Tax Map No. 48 Grid No. 1D Parcel 362 Water/Sewer: Private Public xx

List ALL structures on property and current use: No other structures on prop.

Estimated time requested to present case: 15 Min.

If this Appeal is in reference to a Building Permit, state number No

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes No xx

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes No xx

Is this request within one (1) mile of any incorporated town limits? Yes No xx

Request

Request a variance to allow a 20' x 12' one story, unheated glass and screen

sun room addition on the rear of the SFD with a rear yard setback of 24 feet in

lieu of the required 35'.

Justification

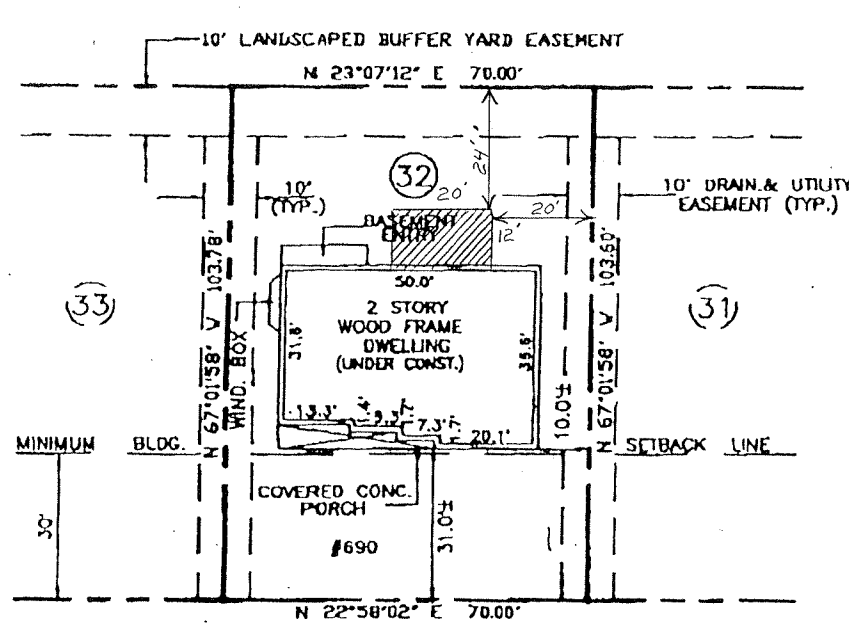
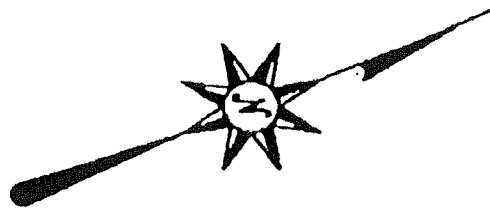
The house was built with only 36' to the rear property lot line, necessitating a

variance request for any improvements to the rear.

Lot #38 (nearby neighbor) was granted a variance for a sunroom in 1996.

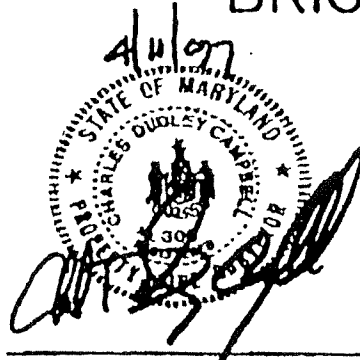
If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval requested. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

THIS LOCATION DRAWING HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND BOARD OF PROFESSIONAL LAND SURVEYORS MINIMUM STANDARDS OF PRACTICE. THIS LOCATION DRAWING IS OF BENEFIT TO A CONSUMER ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING OR REFINANCING. IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS. IT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING. THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THERE ARE NO ENCROACHMENTS ON ANY ADJOINING PREMISES, STREETS, OR ALLEYS AND NO ENCROACHMENTS OF ANY BUILDINGS, STRUCTURES, OR ANY OTHER IMPROVEMENTS SITUATED ON ADJOINING PROPERTIES, EXCEPT AS SHOWN OR NOTED HEREON, THAT THE LOT SHOWN HEREON IS WITHIN ZONE(S) C, AS SHOWN ON THE FURK MAP, 240040, 0091A, DATED 3/2/83, THAT NO TITLE SEARCH WAS PROVIDED FOR THIS CERTIFICATION, THAT THIS SURVEY IS VOID UNLESS ORIGINAL SEAL, SIGNATURE, AND DATE APPEAR HEREON, DIMENSIONS AS SHOWN, ARE WITHIN A TOLERANCE OF 1/4 FEET.



BRIGANTINE PLACE

50' R/W



William K. Brennan
ing L. J. J. J. CERTIFIED TRUE
 BY

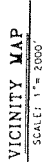
PLAT REF: 82-42

CNA
 ampbell & nolan associates, inc.

Engineers * Land Surveyors * Geotechnical Engineers
 P.O. Box 441 * Bel Air, Maryland 21014-0441
 110879-7200 * (410)838-2784 * Fax(410)838-1811

| | |
|------------------------|--------------------------|
| LOCATION DRAWING | |
| LOT 32 | |
| FINAL PLAT ONE | |
| BRIGHTON SQUARE | |
| ELEC. DIST. NO. 3 | HARFORD COUNTY MD. |
| SCALE: 1" = 30' | DATE: 4/11/97 |
| DRAWN BY: CTMc | JOB NO. 70018 242/130 |

C:\SC12\WORK\BRIGHT32.DWG STA. #7 DRAWN 4/14/97



| COORDINATE DATA | | |
|-----------------|---------------|----------------|
| NO. | NORTHING | EASTING |
| 3714 | 684594.12879 | 1486519.12297 |
| 3804 | 684534.35676 | 1486506.00352 |
| 4001 | 684626.61095 | 1485787.76864 |
| 6591 | 6846206.03132 | 1486515.44280 |
| CL04 | 684595.93874 | 14865029.03675 |
| CL06 | 684561.92210 | 1486509.21912 |
| CL07 | 684648.65783 | 1486509.01613 |
| CL08 | 684633.04961 | 1486515.84524 |
| CL10 | 684680.70140 | 14865269.86271 |
| CL15 | 684797.23447 | 14865007.31526 |
| CL21 | 684822.08640 | 1486503.31666 |




FINAL PLAT ONE
BRIGHTON SQUARE
A RESIDENTIAL DEVELOPMENT BY
BRIGHTON SQUARE L.L.C.
10000 BACK RIVER NECK ROAD,
BALTIMORE, MARYLAND 21221

THIRD ELECTION DISTRICT - HARFORD COUNTY, MARYLAND

FREDERICK WARD ASSOCIATES, INC.
• ENGINEERS
• PLANNERS
• LANDSCAPE ARCHITECTS

5 SOUTH WILM STREET 301-404-2121
BALTIMORE, MARYLAND
(410) 404-1526 (410) 404-2090



RECORDING STAMP

Rec'd. for Records July 7-1940
at 8:55 o'clock A.M. Same
day recorded in Liber C-84

Not a Falla one of the
PLAT Records of Harford
Co., Md. and examined per
Charles G. Kido, III, Clerk

THE OTHER HEREIN GRANTS TO HARFORD COUNTY, MARYLAND AN EASEMENT TO THE FINDER AND SITTER DURING LINES WITHIN THE DISTANCE AND TO THE WATER, EASEMENTS AND ROAD IMPROVEMENT RIGHTS-AS SHOWN ON THE PLAN.

UNLESS OTHERWISE PROVIDED ON THIS PLAN, THE STREETS, ROADS, DRAINAGE ARE FOR THE PURPOSES OF RESIDENTIAL AND THE LOW DENSITY USES AND ARE TO BE DEDICATED TO PUBLIC USE BY THE FEE SIMPLE TITLE TO THE LAND SO DESIGNATED. THE DEDICATION OF THE EASEMENTS AND THE DRAINAGE ARE FOR THEIR SUCCESSORS, HEIRS AND ASSIGNS, NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO LIMIT OR RESTRICT THE RIGHTS OF THE FINDER AND SITTER TO HARFORD COUNTY, MARYLAND TO TAKE ANY ACTION TO PROTECT AND ENFORCE THE EASEMENTS AND PUBLIC UTILITIES.

NO LOT MAY BE UNDERSUBDIVIDED TO PRODUCE A BUILDING SITE OF LESS AREA THAN THAT WHICH WAS REQUIRED BY SUBDIVISION REGULATIONS ON THE COUNTY HEALTH OFFICER.

Charles C. Lee, Sr.
CHARLES C. VICKERS, JR., MANAGER

4-2-99

APPROVED: [Signature] DIRECTOR OF ADMINISTRATION DATE 6 Oct 69

APPROVED: [Signature] CHIEF EXECUTIVE DATE 16-10-69

[illegible]

| CURVE DATA | | | | | | |
|------------|---------|------------|------------|---------|-------------|--------|
| NO. | RADIUS | ARC LENGTH | DELTA | TANGENT | LONG CHORD | |
| ① | 328.23 | 46.24 | 10°51'50" | 31.21 | S84°02'40"W | 62.14 |
| ② | 358.23 | 50.45 | 08°04'32" | 25.25 | S83°24'32"W | 50.45 |
| ③ | 1700.00 | 111.41 | 03°46'14" | 55.56 | S82°24'32"W | 111.43 |
| ④ | 1610.00 | 109.50 | 03°46'14" | 54.83 | N82°24'32"E | 108.88 |
| ⑤ | 50.00 | 228.32 | 241°33'56" | 51.83 | N82°24'49"W | 75.68 |
| ⑥ | 50.00 | 30.70 | 231°11'02" | 15.85 | N02°48'30"E | 30.22 |
| ⑦ | 50.00 | 44.78 | 51°11'04" | 22.02 | N03°48'30"E | 43.30 |
| ⑧ | 275.00 | 46.79 | 09°44'55" | 24.45 | N03°05'35"E | 46.73 |
| ⑨ | 230.00 | 100.68 | 23°04'28" | 51.53 | N11°25'49"E | 100.00 |
| ⑩ | 225.00 | 19.16 | 04°52'45" | 9.59 | N20°31'40"E | 19.15 |
| ⑪ | 355.00 | 118.62 | 19°18'23" | 60.36 | S76°41'10"E | 118.06 |
| ⑫ | 340.00 | 128.05 | 19°18'25" | 84.64 | S76°41'10"E | 127.44 |
| ⑬ | 405.00 | 136.47 | 19°18'25" | 88.49 | S76°41'10"E | 135.83 |

AREA TABULATION

1. TOTAL ENCLOSED AREA: 3.9618 AC.±
2. TOTAL NET LOT AREA: 2.0573 AC.±
3. TOTAL ROAD R/W AREA: 0.7750 AC.±
4. TOTAL RO. IMPRV. AREA: 0.2626 AC.±
5. TOTAL OPEN SPACE AREA: 0.8669 AC.±

THE LOTS SHOWN ON THIS SUBDIVISION PLAN ARE SUBJECT TO A SUBDIVISION AGREEMENT DATED June 28, 1974 BY AND BETWEEN HARFORD COUNTY AND THE OWNERS OF THE LAND SHOWN HEREON. WHICH AGREEMENT IS INTENDED TO BE RECORDED AMONG THE LAND RECORDS OF HARFORD COUNTY, SUBSEQUENT TO THE RECORDING OF THE PLAN.

THE SIGNING OF THIS SUBDIVISION PLAT IN NO WAY GUARANTEES THE AVAILABILITY OF PUBLIC SERVICES AT THE TIME OF DEVELOPMENT.

DRIVEWAY ENTRANCE CONSTRUCTION AND LOCATION TO BE APPROVED BY THE
HARFORD COUNTY DEPARTMENT OF PUBLIC WORKS FOR DRIVEWAY ENTRANCES
FRONTING ON COUNTY ROADS.

A 10' WIDE LANDSCAPED BUFFER YARD EASEMENT MUST BE MAINTAINED ON LOTS 10 AND 31 BETWEEN THOSE LOTS AND THE LAND OF GRABEAL AS SHOWN ON THIS PLAN. LOTS 10 AND 31 MUST BE OPEN SPACE AND OPEN SPACE BETWEEN THOSE LOTS AND OPEN SPACE ON LOTS 37 AND 38 AND OPEN SPACE AS SHOWN ON THIS PLAN. AND ON LOTS 37 THRU 39 BETWEEN THOSE LOTS AND THE OF HILADEE AS SHOWN ON THIS PLAN.

THIS SUBDIVISION UTILIZES THE LOT AVERAGING PROVISIONS OF THE HARFORD COUNTY ZONING CODE SECTION 267-22F. ALL LOTS IN THIS SUBDIVISION WERE USED TO DETERMINE AVERAGE LOT AREA.

THE CONSTRUCTION PLANS FOR THE COMMUNITY WATER SUPPLY AND/OR COMMUNITY SEWERAGE FACILITIES TO SERVE THE PROJECT WERE APPROVED ON 12/07/92 BY THE STATE DEPARTMENT OF THE ENVIRONMENT.

CONSTRUCTION PERMIT NUMBERS ARE:
WATER: 93-22-2141 SEWER: 93-22-2151
THE OWNER GUARANTEES THE FACILITIES WILL BE AVAILABLE
TO ALL PLOTS OFFERED FOR SALE.

Charles F. Walker
OWNER

THE USE OF THE COMMUNITY WATER SUPPLY AND/OR
OF THE COMMUNITY SEWERAGE SYSTEM IS IN
CONFORMANCE WITH THE HARELORD COUNTY MASTER PLAN.

HEALTH OFFICER

APPROVED: *[Signature]* DEPUTY STATE HEALTH OFFICER
 APPROVED: *[Signature]*

APPROVED: *Frank H. Huberman*
ACTING DIRECTOR OF PUBLIC WORKS
11/20/20

APPROVED: *[Signature]*
DIRECTOR OF PLANNING AND ZONING

APPROVED: *[Signature]*
CITY MANAGER

APPROVED: DIRECTOR OF ADMINISTRATION

APPROVED: _____
COUNTY EXECUTIVE

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



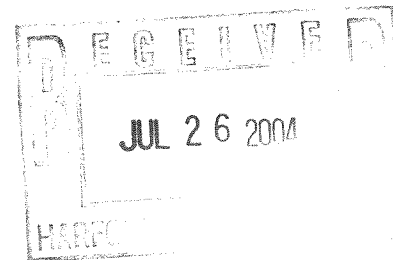
J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

July 20, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5433

APPLICANT/OWNER: Terry and Miriam Brennan
690 Brigantine Place, Bel Air, Maryland 21014

Co-APPLICANT/OWNER: Same as Applicant.

REPRESENTATIVE: Patio Enclosures Inc.
224 8th Avenue NW, Glen Burnie, Maryland 21061

LOCATION: 690 Brigantine Place, Bel Air, Maryland 21014
Tax Map: 48 / Grid: 1D / Parcel: 362 / Lot: 32
Election District: Third (3)

ACREAGE: 7,258 square feet
0.166 of an acre

ZONING: R2/Urban Residential/Conventional with Open Space District (R2/
COS)

DATE FILED: July 6, 2004

HEARING DATE: August 18, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

"Request a variance to allow a 20' x 12' one story, unheated glass and screen sun room addition on the rear of the SFD with a rear yard setback of 24 feet in lieu of the required 35'."

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

Board of Appeals Case Number 5433

Terry & Miriam Brennan

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Justification:

"The house was built with only 36' to the rear property lot line, necessitating a variance request for any improvements to the rear. Lot #38 (nearby neighbor) was granted a variance for a sunroom in 1996."

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow a sunroom within the required 35-foot rear yard setback (24-foot proposed) in an R2 District (Conventional with Open Space Development).

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located northwest of Bel Air, on the west side of Brigantine Place in the development of Brighton Square. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The land use designations north of Bel Air range from Low to High Intensity. The Natural Features Map reflects stream buffer systems. The subject property is designated as Low Intensity, which is defined by the Land Use Plan as:

Low Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are examples of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 1996 Master Plan. The residential development in this area of the Route 24 corridor includes conventional single-family dwellings, townhouses, garden apartments and condominiums. The topography of the area ranges from gently rolling to steep, especially near the stream valleys. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

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Board of Appeals Case Number 5433

Terry & Miriam Brennan

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The subject lot is rectangular in shape and is approximately 0.166 of an acre in size. The lot fronts on the west side of Brigantine Place directly across from the intersection of Carlton Way. The lot slopes gently up from the road to the front of the house and then slopes gradually down to the rear lot line and backs up to an open field. Improvements consist of a two-story brick and frame dwelling with an attached two-car garage, a double wide concrete driveway, a concrete patio off the rear of the dwelling (where the Applicants propose to locate a sunroom), an outside basement areaway and children's play equipment. The property is nicely landscaped and appears to be well maintained. The lots on either side are improved with two-story single-family dwellings similar to the Applicants' dwelling. Enclosed with the report is a copy of the topography map, an enlargement of the aerial photograph and site photographs (Attachments 7, 8 and 9).

Zoning:

The zoning classifications conform to the overall intent of the 1996 Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential District. Commercial zoning includes B2/Community Business and CI/Commercial Industrial Districts. Other zoning districts include AG/Agricultural and RR/Rural Residential. The subject property is zoned R2/Urban Residential District. Enclosed with the report is a copy of the zoning map for the immediate area (Attachment 10).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow a sunroom within the required 35-foot rear yard setback (24-foot proposed) in an R2/COS District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The requested sunroom is compatible to other additions built in the neighborhood (Attachment 11). The Board of Appeals approved a similar addition in Case Number 4635 (Attachment 12). The lot backs up to an open field, therefore the sunroom should not adversely impact the property. The request if approved will not adversely impact the intent of the Code or other adjacent properties.

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved, subject to the following conditions:


STAFF REPORT

Board of Appeals Case Number 5433


Terry & Miriam Brennan

Page 4 of 4

1. The Applicants obtain all necessary permits and inspections for the sunroom.
2. Landscaping shall be provided along the rear property line. A landscaping plan shall be submitted to the Department for review and approval.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka